

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:)	
J.M. Koshoffer et al)	
)	Art Unit: 3746
)	
Application No.: 10/797,212)	
Confirmation No:)	Examiner: Casaregola, L.
)	
Filed: 03/10/2004)	
Title: Ablative Afterburner		

Defective Office Action

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the office action dated as mailed on 04/18/07, Applicants request reconsideration.

The office action is incomplete and fails to consider all of the references of record, and is therefore defective under Rules 97 and 104, and under MPEP 710.06 and 707.07.

The examiner has failed to consider reference DE 1061134, and has stricken it from the form PTO-1449 with the annotation that "No translation or discussion of relevance" has been provided.

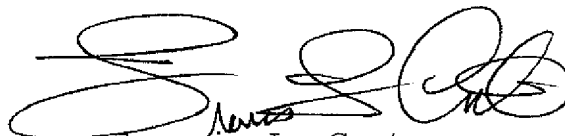
However, this is plain error.

The requisite discussion of this reference is found in para. 1 of page 1 (of the seven pages filed) of the Supplemental Information Disclosure Statement filed on 21 Jun 2005.

Accordingly, Applicants are entitled now to due consideration of that reference under the first office action to avoid impermissible piecemeal prosecution of the application.

The first office action should therefore be replaced or supplemented, and the response period restarted under MPEP 710.06 upon correcting this defect.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Francis L. Conte', is written over a horizontal line.

Francis L. Conte
Registration No. 29,630
Attorney for Applicant

Date: 3 May 2007

6 Puritan Avenue
Swampscott, MA 01907
Tel: 781-592-9077
Fax: 781-592-4618